

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 5:96CR30049
)	
v.)	OPINION
)	
DERRICK HUGH DEHANEY,)	By: James P. Jones
)	Chief United States District Judge
Defendant.)	

Derrick Hugh Dehaney, Pro Se.

The defendant, a federal inmate proceeding pro se, has filed a Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West 2006). He argues that he received ineffective assistance of counsel related to the 1998 judgment convicting and sentencing him for conspiring to distribute controlled substances. The court filed the motion conditionally and granted defendant an opportunity to demonstrate why the motion was not untimely filed, pursuant to § 2255(f). Upon review of the motion and court records, however, I find that the Motion must be dismissed as successive, pursuant to § 2255(h).

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255 para. 8. Court records

indicate that defendant previously filed a § 2255 motion concerning this same conviction and sentence in Case No. 7:99CV00343. Because the defendant offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss his current action without prejudice.¹

A separate Final Order will be entered herewith.

ENTER: December 9, 2008

/s/ JAMES P. JONES
Chief United States District Judge

¹ To obtain certification from the Fourth Circuit, the defendant must submit a copy of the § 2255 motion to the court of appeals, along with a motion requesting certification for the district court to review a successive § 2255 motion. Defendant may write to request a form and instructions for filing this motion at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.